

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

ROBERT C. MUNOZ Petitioner, vs. NATIONAL LABOR RELATIONS BOARD Respondent.	CASE NO. 16-71915 Board Case Nos. 32-CA-119054 and 32-CA-126896
TARLTON AND SON, INC. Petitioner, vs. NATIONAL LABOR RELATONS BOARD Respondent.	CASE NO. 17-70532 Board Case Nos. 32-CA-119054 and 32-CA-126896
NATIONAL LABOR RELATIONS BOARD Petitioner, vs. TARLTON AND SON, INC. Respondent.	CASE NO. 17-70632 Board Case Nos. 32-CA-119054 and 32-CA-126896

**ON PETITION FOR REVIEW OF ROBERT C. MUNOZ, PETITION FOR
REVIEW OF TARLTON AND SON, INC., AND CROSS-APPLICATION
FOR ENFORCEMENT OF THE NATIONAL LABOR RELATIONS
BOARD**

**PETITIONER AND RESPONDENT TARLTON AND SON, INC.'s
JOINDER IN MOTION OF NATIONAL LABOR RELATIONS BOARD TO
HOLD CASE IN ABEYANCE**

Petitioner and Respondent TARLTON AND SON, INC. joins in and supports the Motion of the National Labor Relations Board to Hold Case in Abeyance. The underlying issue in these consolidated cases – whether an arbitration agreement containing a class action waiver violates Section 8(a)(1) of the National Labor Relations Act is (29 U.S.C. §151(a) – is currently pending before the United States Supreme Court’s decisions in Murphy Oil USA, Inc., 361 NLRB No. 72 (2014), enf. den. 808 F.3d 1013 (5th Cir. 2016), cert. granted 137 S. Ct. 809 (January 13, 2017); Morris v. Ernst & Young, LLP, 834 F.3d 975 (9th Cir. 2016), cert. granted 137 S. Ct. 809 (January 13, 2017), and Lewis v. Epic Systems Corp., 823 F.3d 1147 (7th Cir. 2016), cert. granted 137 S. Ct. 809 (January 13, 2017).

Holding these consolidated cases in abeyance pending the Supreme Court’s decisions in Murphy Oil, Morris, and Lewis, will preserve this Court’s scarce resources. Judicial resources are scarce. Holland v. Florida, 130 S.Ct. 2549, 2567-68 (2010) (describing “judicial resources” as “scarce.”); Kenyeris v. Ashcroft, 538 U.S. 1301, 1388 (2003) (noting the scarcity of judicial resources). Wasting judicial resources is discouraged. San Remo Hotel, L.P. v. City & Cnty. of S.F., 545 U.S. 323, 327 n. 24 (2005) (expressing the “desire to conserve judicial resources.”) Additionally, staying and holding these consolidated cases in abeyance will preserve the parties’ resources and will avoid piecemeal litigation.

DATED: April 6, 2017

/s/ James A. Bowles

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CERTIFICATE OF SERVICE

I electronically filed the foregoing document described as PETITIONER AND RESPONDENT TARLTON AND SON, INC.'S JOINDER IN MOTION OF NATIONAL LABOR RELATIONS BOARD TO HOLD CASE IN ABEYANCE in Case Nos. 16-71915, 17-70652, and 17-70632 with the Clerk of the Court for the United States Court of Appeals for the District of Columbia Circuit by using the appellate CM/ECF system.

Participants in the case who are registered users will be served by the appellate CM/ECF system.

I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on April 7, 2017, at Los Angeles, California.

/s/ Josefina Perez
Josefina Perez

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